

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-3851

Elton Eddie Johnson,

Appellant,

v.

Judy Pridgen, Sheriff, Saline County
Sheriff's Department (originally sued
as Pridgen); Knowles, Detective,
Saline County Sheriff's Department;
Martin, Detective, Saline County
Sheriff's Department; Shawn Garner,
Sgt., State Trooper, Saline County
(originally sued as Garner); Doe, Head
Jailor, Saline County Jail,

Appellees.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: March 7, 2002

Filed: April 1, 2002

Before McMILLIAN, BOWMAN, and BYE, Circuit Judges.

PER CURIAM.

Elton Johnson appeals the district court's¹ post-hearing dismissal of his 42 U.S.C. § 1983 action arising out of a beating he received at the hands of fellow detainees during his detention at the Saline County Jail.

After carefully reviewing the record, we conclude that the district court properly dismissed Johnson's suit. The evidence does not support an inference that the named defendants knew of his need for protection, or of his subsequent need for medical care. See Johnson v. Bi-State Justice Ctr., 12 F.3d 133, 135-36 (8th Cir. 1993) (hearing to determine whether pro se inmate's § 1983 damage claims warrant jury trial is permitted, but hearing must be consistent with right to jury trial and standard is whether case would survive motion for judgment as matter of law). We further conclude that the magistrate judge did not abuse his discretion by denying Johnson's request to call additional witnesses at the evidentiary hearing. Cf. Williams v. Carter, 10 F.3d 563, 566 (8th Cir. 1993) (decision to grant or deny subpoenas for indigent parties pursuant to 28 U.S.C. § 1915(c) is within discretion of trial court).

Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

¹The Honorable George Howard Jr., United States District Court for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable H. David Young, United States Magistrate Judge for the Eastern District of Arkansas.